

**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

April 25, 2005

MEMBERS PRESENT: Emery Zahner, Mort Heidari, Geri Kupecky, Lori Spielman, Cliff Aucter, Robert Hoffman, and Alternates Arlo Hoffman, James Prichard

MEMBERS ABSENT: Alternate Ronald Small

STAFF PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER:

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:01 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS:

Several members of the public expressed their concerns about the rapid growth of Ellington.

MOVED (HEIDARI), SECONDED (SPIELMAN) AND UNANIMOUSLY APPROVED TO ADD EXECUTIVE SESSION TO THE AGENDA FOR THE PURPOSE OF DISCUSSING ACTIVE LITIGATION.

MOTION (HEIDARI), SECONDED (SPIELMAN), AND PASSED UNANIMOUS TO GO INTO EXECUTIVE SESSION. ATTENDING THE EXECUTIVE SESSION WERE EMERY ZAHNER, MORT HEIDARI, GERRY KUPECKY, LORI SPIELMAN, CLIFF AUCTER, ROBERT HOFFMAN, ARLO HOFFMAN, JAMES PRICHARD, MATT DAVIS, TOWN PLANNER AND TOWN ATTORNEY SUSAN BOYAN.

MOTION (AUCTER), SECONDED (KUPECKY), AND PASSED UNANIMOUS TO ADJOURN THE EXECUTIVE SESSION.

NO MOTIONS OR DECISIONS WERE MADE.

III. PUBLIC HEARINGS:

1. #S200502 – Development Services, LLC for a 20 lot subdivision on property located at 33 Newell Hill Road, APN 127-014-0000 in an RA Zone.

TIME: 7:30

SEATED: E. Zahner, M. Heidari, G. Kupecky, L. Spielman, C. Aucter, R. Hoffman

Attorney Walter Twachman came forward to introduce the application.

John Sima, Hydro Dynamic Engineering, LLC explained the nature of the wells on the property and submitted a technical report. There will be 20 wells going in and reviewed ground water flow. There will be enough water flow on the property to support the 20 wells going in.

Patrick Gorman, LRC Group, reviewed the site and the layout of the property. There are 20 lots going in on 70.6 acres, 50% of the parcel is open space. He explained that they were still working on North Central District Health approval.

Chairman Zahner read Buck & Buck's letter dated 4-25-05.

Many members of the public expressed their concerns with the application, primarily related to ground water supply.

MOVED (HEIDARI), SECONDED (AUCTER) AND PASSED TO CONTINUE THE PUBLIC HEARING TO THE MAY 23, 2005 MEETING #S200502 – DEVELOPMENT SERVICES, LLC.

2. #Z200512 - Deepak Govani for special permit to expand existing liquor store on property located at 192 Windsorville Road, APN 009-066-0000 in a C Zone.

TIME: 9:25

SEATED: E. Zahner, M. Heidari, G. Kupecky, L. Spielman, C. Aucter, R. Hoffman

Deepak Govani came forward for the application.

MOVED (HEIDARI), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200512 – DEEPAK GOVANI.

MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200512 – DEEPAK GOVANI.

3. #S200503 – Angel Trace, LLC for a 20 lot subdivision on properties located on Crystal Lake Road and 94 Crystal Lake Road, APN 110-018-0000 & 109-009-0000 in an RA Zone.

The applicants were not prepared to go forward and requested a continuance.

MOVED (PRICHARD), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CONTINUE TO THE MAY 23, 2005 MEETING #S200503 – ANGEL TRACE, LLC.

4. #Z200513 – Gale Construction, Inc. for a special permit for renewal of earth excavation permit on property located at 90 Sadds Mill Road, APN 079-002-0000 in an A Zone.

TIME: 9:30

SEATED: E. Zahner, M. Heidari, G. Kupecky, L. Spielman, C. Aucter, R. Hoffman

Greg Gale came forward for the application. The site is not active presently.

MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200513 – GALE CONSTRUCTION, INC.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200513 – GALE CONSTRUCTION, INC.

CONDITION: BOND TO REMAIN IN AMOUNT CURRENTLY REQUIRED.

IV. NEW BUSINESS:

MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: #Z200514 – ELLINGTON HIGHLANDS FOR RENEWAL OF EARTH EXCAVATION PERMIT, FOR RECEIPT ONLY.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: #S200504 & #Z200518– CAPSTONE BUILDERS FOR A 9-LOT SUBDIVISION & SPECIAL PERMIT FOR A REAR LOT ON SOUTH ROAD, FOR RECEIPT ONLY.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: #Z200517 – EDWARD DECARLI FOR A SPECIAL PERMIT FOR EARTH EXCAVATION ON SADDs MILL & GREEN ROADS FOR RECEIPT ONLY.

BY CONSENSUS, THE COMMISSION RECEIVED #Z200514, #S200504, #Z200518 & #Z200517.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: REQUEST BY KAREN KOEHLER TO MODIFY THE GERAGHTY SUBDIVISION (#S200205) TO ELIMINATE THE REQUIREMENT FOR A PAVED DRIVEWAY AND CURBING ON LOT 3 (153 PORTER ROAD).

O.J. Shaw, General Contractor for Karen Kohler came forward to explain the conditions of the site. The contractor claimed that there is no run off on the neighbor below. He explained that Karen did not have the money to pay for the driveway and that it was a hardship on Karen.

Chairman Zahner read a memo from the Town Engineer dated 4/25/05. Matt Davis, Town Planner, cautioned the Planning & Zoning Commission to consider the Town Engineers comments, partly with respect to potential impacts on abutting land/properties.

MOVED (KUPECKY), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE THE ELIMINATION OF THE REQUIREMENT FOR A PAVED DRIVEWAY AND CURBING ON LOT 3 (153 PORTER ROAD) OF THE GERAGHTY SUBDIVISION (#S200205) SUBJECT TO AN AFFIRMATIVE REVIEW FROM THE TOWN ENGINEER.

1. Request for modification/reduction of open space fee-in-lieu for Crestwood IV Subdivision.

Dave Luginbuhl came forward to explain the request.

Scott Luginbuhl expressed his feeling on the unfairness of fee-in-lieu with the Gingras application.

Jim Gage, Conservation Commission explained that the appraisal was wrong.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE MODIFICATION TO FEE-IN-LIEU REQUIRED FOR THE CRESTWOOD IV SUBDIVISION TO BE BASED ON THE PREDEVELOPMENT VALUE OF \$210,500, PURSUANT TO THE APPRAISAL BY ROBERT R. MORRA, DATED OCTOBER 4, 2004 AND IN ACCORDANCE WITH THE TOWN ATTORNEY'S LETTER DATED APRIL 15, 2005.

2. Request for an extension on completing the final building at Attic Self Storage at 65 Windermere Ave. #Z200109.

MOVED (HEIDARI), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE THE REQUEST FOR A 5 YEAR EXTENSION FOR COMPLETION OF SITE IMPROVEMENTS, ATTIC SELF STORAGE #Z200109. (IMPROVEMENTS TO BE COMPLETED BY MARCH 26, 2011).

3. Memo to Planning & Zoning Commission from Conservation Commission regarding fee in lieu appraisals.

The Commission discussed at length the past & present practices and the potential options suggested by the Conservation Commission to write a list of approved appraisers.

Matt Davis, Town Planner handed out a memo dated April 19, 2005 from the Conservation Commission to the Planning & Zoning Commission.

BY CONSENSUS, THE PZC DIRECTED THE TOWN PLANNER TO REQUEST AN OPINION FROM THE TOWN ATTORNEY REGARDING AUTHORITY AND POTENTIAL LIABILITY BY LIMITING APPROVED APPRAISERS TO A PZC ENDORSED LIST.

4. Request from WPCA for Planning & Zoning Commission's input regarding economic development.

THIS ITEM WAS TABLED TO THE MAY 23, 2005 MEETING.

V. UNFINISHED BUSINESS: NONE.

VI. ADMINISTRATIVE BUSINESS:

1. Appointments to CRCOG Regional Planning Commission.

TABLED TO THE MAY 23, 2005 MEETING.

2. Review of proposed subdivision on Shenipsit Lake Road, Tolland. (Abuts Ellington)

TABLED TO THE MAY 23, 2005 MEETING.

3. Review of proposed subdivision on Florence Drive, Tolland. (Abuts Ellington)

TABLED TO THE MAY 23, 2005 MEETING.

4. Approval of Meeting Minutes:
 - a. March 28, 2005 regular meeting minutes.
 - b. April 4, 2005 special meeting minutes.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 28, 2005 REGULAR MEETING MINUTES.

MOVED (HEIDARI), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 4, 2005 SPECIAL MEETING MINUTES.

5. Correspondence:

- a. Letter to Jean & Guy Burns from Matt Davis dated, 3-28-05. (9 Lake Lane)
- b. Memo to the Finance Department from Dennis Milanovich dated 3-29-05. (Temporary part time position)
- c. Correspondence from Ernie Boothroyd dated 3-28-05. (websites to view)
- d. Memo to PZC and EDC from Matt Davis dated 3-29-05. (School Facilities Study Committee)
- e. Memo to PZC and EDC from Matt Davis dated 3-31-05. (Grand List Data)
- f. Eastern Connecticut Resource Conservation and Development Area, Inc.
- g. Letter to 7 Nutmeg Drive from Peter Williams dated 3-28-05. (Notice of violation)
- h. Letter to First Selectman from Edgar Hurle dated 3-24-05. (Submittal of Application)
- i. Letter to Matt Davis from Stanley Kement Jr. dated 3-17-05. (Activities in gravel pit)
- j. Memo to Dennis Milanovich and BOS dated 4-11-05. (Request to Waive Bid Requirement)
- k. Memo to Susan Boyan from Matt Davis dated 4-11-05. (Miscellaneous Deeds)
- l. Memo to Design Review Board to Dennis Milanovich dated 3-31-05. (Nutmeg Industrial Park)
- m. Letter to Dan Bahler from Department of the Army dated 3-23-05. (Permits)
- n. Memo to Planning & Zoning and Conservation Commission from Frank Chiaramonte dated 4-4-05. (Transportation)
- o. Memo to Inland Wetland Agency from DEP dated 4-1-05. (DEP State Parks and Field Services Drainage Maintenance Plan)
- p. Conservation Options for Landowners.
- q. Letter to Stan Kement from Matt Davis dated 4-19-05. (Gravel Pit/Inland Wetland Matter)
- r. Fax to Town of Ellington Officials and Agencies from the Krasinski Family dated 4-3-05. (Newell Hill Road Subdivision)

RECEIPT NOTED.

VII. ADJOURNMENT:

**MOVED (KUPECKY) SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 11:00 PM.**

Respectfully Submitted,

Kristin Michaud
Recording Secretary